

# **Exhibit C**



HON. SYLVIA O. HINDS-RADIX  
*Corporation Counsel*

THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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September 13, 2022

**VIA EMAIL**

Re: In-Custody Deaths and Non-Compliance with the Second Remedial Order  
in Nunez v. City of New York, 11-cv-5845-LTS

Counsel:

I write on behalf of Defendants in response to your letter dated August 11, 2022, regarding "In-Custody Deaths and Non-Compliance with the Second Remedial Order in Nunez v. City of New York, 11-cv-5845-LTS". Plaintiffs' letter makes the following requests:

- "the facts and findings in the possession of, or otherwise, available to, the City and the Department concerning each in-custody death since January 1, 2022,"
- "[a]ny corrective action(s) the City and the Department have taken in response to each in-custody death since January 1, 2022, apart from the Action Plan,"
- "the Defendants to please provide their position with respect to its compliance with Section 1(i)(a)-(c) of the Second Remedial Order," and
- "...what actions, if any, they intend to take to address lack of compliance with Section 1(i)(a)-(c) of the Second Remedial Order, including but not limited to those actions ordered by Sections A.2. and C.3. of the Action Plan."

Any death in custody is intolerable and a tragedy. The circumstances of each death is aggressively investigated, not just by the Department of Correction, but by the New York State Attorney General's Office, the State Commission of Correction, the City Department of Investigation, the respective District Attorney's Offices, and the Board of Correction. In the most recent death in-custody, after a preliminary review, Commissioner Molina took immediate action and suspended three uniformed members of staff. However, because each incident is still being investigated, Defendants will not be providing Plaintiffs with information related to those deaths, or any corrective action(s) associated therewith.

Further, Defendants, like the Monitor, defer answering questions related to the City or Department's compliance with the Consent Judgment, Remedial Orders, or Action Plan until after submission of the next Monitor's Report on October 28, 2022.

Sincerely,

*Kimberly Joyce /s/*

Kimberly Joyce



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September 23, 2022

**VIA EMAIL**

Re: Intake, EMTC, and Non-Compliance and  
In-Custody Deaths and Non-Compliance with the Second Remedial Order  
in Nunez v. City of New York, 11-cv-5845-LTS

Counsel:

I write on behalf of Defendants in response to your letters regarding “Intake, EMTC, and Non-Compliance” and “In-Custody Deaths and Non-Compliance with the Second Remedial Order.” In both letters Plaintiffs request that Defendants meet and confer with Plaintiffs’ Counsel. Defendants are available to meet and confer about Plaintiffs’ letters on October 12<sup>th</sup> or 13<sup>th</sup>. Defendants’ willingness to meet and confer with Plaintiffs on the issues you’ve outlined in your letters is a recognition of the importance in engaging in a dialogue on these very important issues, but is not an admission that we agree that the allegations contained in either letter is necessarily accurate.

We look forward to hearing from you as to your availability to meet and confer.

Sincerely,

*Kimberly Joyce /s/*

Kimberly Joyce